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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,247	08/18/2003	Kozo Uno	ED-US020603	2991
22919	7590	07/14/2004	EXAMINER	
SHINJYU GLOBAL IP COUNSELORS, LLP			COMPTON, ERIC B	
1233 20TH STREET, NW, SUITE 700				
WASHINGTON, DC 20036-2680			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/642,247	UNO, KOZO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Eric B. Compton	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Specification***

1. The disclosure is objected to because of the following informalities: on page 19, line 29, "rivets 43" should read –rivets 34--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2002-039210 to Suzuki et al ("Suzuki"). Note: U.S. Pat. 6,582,312 is relied on as an English language equivalent.

The torque limiting device of Suzuki has the same construction as the one of Applicant's, and therefore will not be explained in detail. See Specification, page 1, line 19.

Regarding claim 1, Suzuki discloses a two step assembling process,

Referring to FIG. 7, there will be described a method for reducing misalignment of the torque limiter during assembling of the torque fluctuation absorbing apparatus according to the eighth embodiment of the invention. *In this method, the drive plates 21 to which the linings 31 are secured are centered with respect to the flywheel 10 by using a jig 53, and the damper assembly 20 that includes the drive plates 21 and is centered with respect to the flywheel 10 is fixed to the flywheel 10 by using a damper cover 32 that forms a part of the torque limiter 30.*

As described above, the drive plates 21 to which the linings 31 are secured are temporarily centered with respect to the flywheel 10 by using the jig 53, and the damper assembly 20 is then fixed to the flywheel 10 by means of the damper cover 32. *With this arrangement, the linings 31 are disposed concentrically with the crankshaft 2 and the flywheel 10, thus preventing misalignment of the torque limiter 30 during assembling of the torque fluctuation absorbing apparatus 701.*

Col. 9, lines 32-50 (emphasis added). Step 1, as claimed, was also disclosed as a conventional step, as well. See Specification, page 9, lines 8-9. Thus, the output member (21, 22), the torque transmission controller (32) are centered with respect to each other and the torque transmission controller (32) and the engine side member (10) are centered with respect to each other as the torque transmission device is attach (by rivets) to the engine side member via the torque transmission controller.

Regarding claim 2, as shown in Figure 7, the elements are initially secured by a rivet (no reference).

Regarding claim 3, see Figure 7.

Regarding claim 4, see the alternative embodiment shown in Figure 3 having the configuration claimed, showing the ring shaped cover member (31) mounted to the engine side member (11), the pair of ring-shaped plates (31), and biasing member (32).

Regarding claim 6, the damper may include a bush (23) between the input plate and the output member.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki.

Suzuki discloses the invention cited above, including an assembling jig. The jig (53) includes a pin, which is used to center the various members which is inserted into an engagement hole of the output member (20) and inserted into an alignment hole of the cover member (10).

However, the reference does not disclose the particulars of the jig member having an axial portion that is inserted into an engagement hole of the output member, and alignment pins that are inserted into alignment holes of the cover member.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a jig having separate axial portion and alignment pin, in light of the teachings of Suzuki, since it has been held mere reversal of essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

#### **Prior Art References**

The prior art references listed on the enclosed PTO-892, but not used in a rejection of the claims, are cited for their teachings of assembling a torque limiting device.

#### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Compton whose telephone number is (703) 305-0240. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter B. Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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A/U 3726